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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Woodson C. Lewis

Serial No.: 09/527,927

Filed: March 17, 2000

For: ELECTRONIC TICKETING  
AND VALIDATION  
SYSTEM AND METHOD



Group No.: 2768

Examiner: Not Yet Identified

**RECEIVED**

NOV 20 2000

Technology Center 2100

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

*CERTIFICATE OF MAILING*

*I hereby certify that this SECOND PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 C.F.R. §1.102 AND M.P.E.P §708.02), along with any document indicated as being enclosed, is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 9, 2000.*

David H. Chervitz  
Reg. No. 32,820  
763 South New Ballas Road  
St. Louis, Missouri 63141  
(314) 872-8118

**SECOND PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL  
INFRINGEMENT (37 C.F.R. §1.102 AND M.P.E.P. §708.02)**

Applicant hereby petitions to make this application special because of actual  
infringement. Applicant has previously presented a Petition To Make Special on

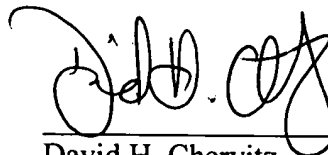
August 10, 2000, with respect to actual infringement due to the infringement of another entity. To date, no there has been no response from the U.S. Patent and Trademark Office with respect to the Petition filed on August 10, 2000.

Accompanying this petition is a Statement of Facts by the Applicant in Support of the Second Petition to Make Special Because of Actual Infringement and a Statement by the Attorney of Record in Support of the Second Petition to Make Special Because of Actual Infringement.

The fee required under 37 C.F.R. §1.17(i) is to be paid by the enclosed check for \$130. The Commissioner is directed to charge Deposit Account No. 162201 for any underpayment or to credit this account for any overpayment of this fee.

In view of the enclosed Statements and payment of the fee, Applicant again respectfully requests that this Second Petition and the previously submitted Petition be granted.

Respectfully submitted,



---

David H. Chervitz  
Reg. No. 32,820  
Polster, Lieder, Woodruff  
& Lucchesi, L.C.  
763 South New Ballas Road  
St. Louis, Missouri 63141  
(314) 872-8118

DHC  
Enclosures  
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**STATEMENT OF FACTS BY THE APPLICANT IN SUPPORT OF  
THE SECOND PETITION TO MAKE SPECIAL BECAUSE OF  
ACTUAL INFRINGEMENT (M.P.E.P. §708.02)**

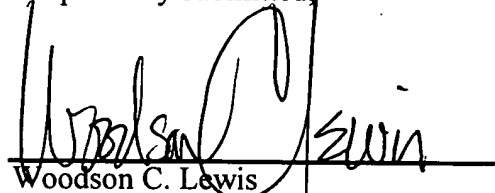
I, Woodson C. Lewis, am the applicant and inventor of the above-identified patent application and I hereby state the following.

1. There is another actual infringement of this invention. In particular, there is a product or service offered over the Internet at a website identified as [www.disney.go.com/DisneyPictures/el\\_capitan](http://www.disney.go.com/DisneyPictures/el_capitan). Upon directing a web browser to this website, a user is presented with a screen in which the user may select an option to purchase on-line tickets, identified as E Tickets, to the El Capitan movie theater in Los Angeles, California. Once this option is selected, the user is presented with a screen which allows the user to select a movie and a performance date. Once a movie and a performance data have been selected, a screen is presented which allows a user to select

a performance time and the type or class of ticket desired. For example, a user may select a general admission ticket or a VIP ticket. The user is then presented with a screen which requests the user to select how many tickets, in various categories such as adult, children, or senior, that the user wants to purchase. When the number of tickets is selected the user clicks on a GO TO PAYMENT DETAILS button which takes the user to a screen which allows the user to select the options of either printing a ticket at home with such ticket containing a bar code or mailing a ticket to the user. The next screen presents the user contains information concerning the previously selected choices. For example, the screen includes the description of the item selected (such as adult ticket), the film, the date of the movie, the time of the movie, the quantity of tickets, the price of a ticket, the booking fee, and the total price. Once the user is satisfied with the selections made, the user then enters payment details, such as credit card information, and address details. The user then clicks on an AGREE button. The user is then sent a ticket in electronic form and the ticket is printed out to allow the user access to the theater. The ticket includes a bar code which is a unique identification number. Once the ticket is printed out, the user takes the ticket to the movie theater and it is presented to a validation system. Once validated, the user is allow to enter the theater.

2. The device or method that I allege infringes this invention was first discovered to exist on November 6, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Woodson C. Lewis", is written over a horizontal line. The signature is stylized with large, flowing loops.

Woodson C. Lewis  
502 Autumn Oaks Drive  
St. Louis, Missouri 63021

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Washington, D.C. 20231

**STATEMENT OF FACTS BY THE ATTORNEY OF RECORD IN  
SUPPORT OF THE SECOND PETITION TO MAKE SPECIAL  
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. §708.02)**

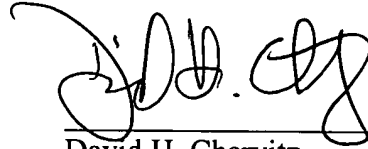
I, David H. Chervitz, Registration No. 32,820, am the attorney of record for the above-identified patent application and I make the following statements in support of Applicant's Second Petition to Make Special.

1. I have made a rigid comparison of the alleged infringing device and method referred to in the accompanying Statement by the Applicant with the claims of this application. I have also visited the website described in the accompanying Statement by the Applicant and have reviewed the various screens presented to a visitor of this website. I have reviewed the accompanying Statement by the Applicant and the manner in which the website is operated as described in the accompanying Statement by the Applicant is the same as I encountered in my visit to this website.

2. In my opinion, claims 1, 3, 4, 5, 6, 18, and 19, on file in this application are unquestionably infringed. By way of example and comparison, independent claim 18 is a method claim in which a method for selecting a ticket for an event and validating the ticket at the event is claimed. The method comprises the first step of browsing a website of an event provider over the Internet. This step is accomplished at the website [disney.go.com/DisneyPictures/el\\_capitan](http://disney.go.com/DisneyPictures/el_capitan). The second step is viewing information relating to an event which is accomplished by being providing movie times and dates at this website. The third step of claim 18 is selecting the event to purchase a ticket. This step is accomplished at this website by clicking on a time. The fourth step is paying for the ticket which is accomplished when requested for a method of payment which typically entails using a credit card. The fifth step of claim 18 is receiving the ticket which is accomplished by having [disney.go.com/DisneyPictures/el\\_capitan](http://disney.go.com/DisneyPictures/el_capitan) send you a ticket electronically which may be printed on white paper. This ticket contains a bar code which when scanned at the theater will admit a person or everyone in a party. The final step is validating the ticket at the event to allow entrance into the event. This step is accomplished by presenting the ticket that was printed to be scanned. Other comparisons of the claims may be made if required or requested. From the above comments, it is noted that all of the steps recited in claim 18 are infringed by the manner in which a ticket is selected for an event and the ticket is then validated for the event.

3. I have caused to be made a search of the pertinent prior art. All such material art has been provided to the U.S. Patent and Trademark Office, having been filed in an Information Disclosure Statement.
4. I believe that all the claims in this application as on file are allowable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.H. Chervitz', written over a horizontal line.

David H. Chervitz  
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& Lucchesi, L.C.  
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